

July 14, 2003

Re: *State v. Crotts, et al.*, Case No. CR2001-006183

Dear BFA Investor,

The Attorney General's Office is continuing the prosecution of the defendants. This office has been very busy responding to defendants' motions and appeals of rulings in the State's favor.

After the case was remanded back to the State Grand Jury on September 26, 2002, the Attorney General's Office successfully obtained a new indictment of William Crotts, Thomas Grabinski, Dwain Hoover, Harold Friend and Richard Rolfes. Pursuant to the Arizona Rules of Criminal Procedure, the attorneys for the defendants filed nine motions attempting to dismiss the indictments, to disqualify the Attorney General's Office, to disqualify the Grand Jury foreman and to set aside the plea agreement of Don Deardoff. Judge Galati heard oral argument on these motions on Friday, April 11, 2003. After taking the arguments under advisement, Judge Galati ruled in the State's favor, denying all of the motions. You can access Judge Galati's April 11, 2003 and May 5, 2003 minute entries on the Maricopa County Superior Court website at: [www.superiorcourt.maricopa.gov](http://www.superiorcourt.maricopa.gov).

The defendants appealed Judge Galati's rulings by filing two petitions for special action relief with the Arizona Court of Appeals. Our Office filed response briefs in opposition. On July 10, the Court of Appeals ruled in the State's favor, denying jurisdiction to even review defendants' petitions. The defendants have the option of appealing these rulings to the Arizona Supreme Court.

On June 27, defendants filed ten new motions requesting additional disclosures; a bill of particulars; dismissal of the indictment or certain counts in the indictment; severance of the counts against the various defendants and change of venue. The State has until July 28 to file its opposition.

Altogether, this Office has successfully opposed three appeals brought by the defendants. In addition to the two appeals described above, Defendant Grabinski filed an appeal regarding his first motion to disqualify the Attorney General's Office that he filed in February 2002. Judge Galati denied that motion. Grabinski filed a petition for special action with the Arizona Court of Appeals seeking a reversal of Judge Galati's ruling. The State filed a response in opposition to Grabinski's petition. On January 7, 2003, the Court of Appeals issued a memorandum decision denying Grabinski's petition. On May 28, 2003, the Arizona Supreme Court denied Grabinski's petition for review of the Court of Appeals' ruling.

Oral argument on the ten pending motions and a status conference is scheduled for Friday, September 19, 2003 at 9:30 a.m. Judge Galati's courtroom is located in the Maricopa County East Court Building, 101 West Jefferson, 6<sup>th</sup> Floor, Phoenix, AZ 85003, (602) 506-3126. As the victim of a crime, you have the right to attend this hearing, but are not required to do so. Please keep in mind, you will not have the right to speak at this hearing.

Once all of the pending motions have been argued and ruled upon, the State and the defendants will engage in a discovery process in which witnesses will be interviewed and exhibits will be

exchanged. The State has already produced hundreds of thousands of documents and provided a preliminary witness and exhibit list to the defendants. The Arizona Attorney General's Office is proceeding as swiftly as possible and within the bounds of the Arizona Rules of Criminal Procedure.

We hope that this information has been helpful to you. The Attorney General's Office of Victim Services will continue to keep you updated as to the status of the case. For the most up to date current information, you may check our website at [www.ag.state.az.us](http://www.ag.state.az.us) or call our BFA help line at (602) 364-1275, or if you are outside Maricopa County call 1-866-823-6577. Should you need additional assistance, our advocates can be reached via email at [bfa@ag.state.az.us](mailto:bfa@ag.state.az.us).

Sincerely,

Office of Victim Service Staff.

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